

9. (Three times amended) A growth factor according to claim 8 consisting of the amino sequence from position 27 to 139 of the amino acid sequence illustrated in Figure 1 known as SEQ ID No. 3.

In the Specification

Please make the following changes to the specification:

Page 25, line 18, after "Figure 1: is" insert --a--

Page 25, line 18, after "sequence" insert --(nucleotides 1-474 of SEQ ID No. 2)--

Page 25, line 25, after "amino acid sequence" insert --(amino acids 1-139 of SEQ ID No. 4)--

REMARKS

Applicant respectfully requests reconsideration of the above-identified Patent Application in light of the Amendment and Remarks.

The Examiner alleged that this application fails to comply with the requirement of 37 CFR 1.821 through 1.825 for the reasons set forth on the attached Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. The Examiner acknowledged Applicant's response of December 6, 2002, but noted errors in the computer readable form of the sequence listing submitted. Thus, the examiner required appropriate correction in response to the present Office Action.

In response, Applicant submits herewith new sequence listings for the sequences in both paper form and computer readable form. Applicants, through their Attorneys of Record, hereby certify that the paper copy of the sequence listings

is a full and accurate representation of the computer readable copies of the sequence listings. Applicants respectfully request reconsideration and withdrawal of the Examiner's objections.

The Examiner objected to the disclosure because of the following informalities. The examiner alleges that although the amendment of April 4, 2002 establishes that Figure 1 references SEQ ID NO:2, the figure represents both a nucleic acid sequence and an amino acid sequence. Further the Examiner noted that the claims reference the sequence of Figure 1, known as SE ID NO:4.

The disclosure of Figure 1 has been amended to refer to SEQ ID NO:2 and to SEQ ID No. 4. As disclosed in the specification as originally submitted Fig. 1 is a partial cDNA sequence (nucleotides 1-474 of SEQ ID NO:2) of a neurotropic factor according to the invention designated as enovin. The predicted one letter code amino acid sequence (amino acids 1-139 of SEQ ID No. 4) is shown above the DNA sequence. Applicants urge that the Table of Contents for the Sequence Listing for original sequences 1-15 submitted with the application on July 14, 1999 establishes that SEQ ID No. 2 corresponds to the full DNA sequence of Fig. 1 and SEQ ID No.:4 corresponds to the full amino acid sequence of Figure 1.

Applicants thank the Examiner for allowing claim 7.

The Examiner objected to claim 8 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 8 therefore has been rewritten in independent form. Amended claim 8 claims an isolated human neurotrophic growth factor, designated enovin and having the amino acid sequence known as SEQ ID No. 4, encoded by a nucleic acid molecule

encoding said growth factor comprising the amino acid sequence from position 27 to 139 of the amino acid sequence illustrated in Figure 1, known as SEQ ID No. 3. Applicants urge that the Table of Contents for the Sequence Listing for original sequences 1-15 submitted with the application on July 14, 1999 establishes that SEQ ID NO:4 corresponds to the full amino acid sequence of Fig. 1 and SEQ ID No. 3 corresponds to amino acids 27-139 of Figure 1.

The Examiner objected to claim 9 as being a substantial duplicate of claim 7. Applicant has amended claim 9 to overcome the examiner's objection. Claim 9 as amended claims a growth factor according to claim 8 consisting of the amino sequence from position 27 to 139 of the amino acid sequence illustrated in Figure 1 known as SEQ ID NO :3. SEQ ID No. 3 corresponds to amino acids 27-139 of Figure 1.

Applicants urge that the amended claims 8 and 9 are supported and enabled by the specification and respectfully request reconsideration and withdrawal of these objections.

Applicants urge that the current response is fully responsive to the Office Action, and respectfully requests that the Examiner withdraw all objections to and rejections of the present invention.

Applicant urges that this application is now in condition for allowance and earnestly solicits early and favorable action by the Examiner. If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned at 212-801-2116. The undersigned may also be contacted via e-mail at [lubitb@gtlaw.com](mailto:lubitb@gtlaw.com).

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1561.

Respectfully Submitted,

**Greenberg Traurig, LLP**

Date: 6/20/03

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## Amendment

8. (Three times amended) An isolated human neurotrophic growth factor, designated enovin and having the amino acid sequence known as SEQ ID No. 4, encoded by a nucleic acid molecule encoding said growth factor [A growth factor according to claim 7] comprising the amino acid sequence from position 27 to 139 of the amino acid sequence illustrated in Figure 1, known as SEQ ID No. 3.

9. (Three times amended) A growth factor according to claim 8 [comprising] consisting of the amino sequence from position 27 to 139 of the amino acid sequence illustrated in Figure 1 known as SEQ ID No. [4] 3.

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